

Decision 03-03-013 March 13, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Cynthia Sanders, doing business as The Link Shuttle Service for authority to operate as a passenger stage corporation between and among various points with the City and County of San Diego California.

Application 02-03-041
(Filed March 20, 2002)

O P I N I O N

Summary

This decision grants the application of Cynthia Sanders (Applicant), an individual, pursuant to Pub. Util. Code § 1031 et seq., to extend her certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized to operate as an on-call PSC to transport passengers and their baggage pursuant to Decision (D.) 98-07-018 between certain points in San Diego County, as described in Appendix PSC-11643.

The application, as amended by letters of August 19 and December 31, 2002, requests extension of the authority to include service between additional points in San Diego County.

The proposed adult one-way fares as listed in Exhibit A of the application range between \$15.75 (Southcrest/Shelltown – San Diego) and \$234.00 (Boulevard/Manzanita – Oceanside).

Notice of filing of the application appeared in the Commission's Daily Calendar on March 29, 2002. Applicant notified the affected cities and transit agencies. In Resolution ALJ 176-3085 dated April 5, 2002, the Commission

preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3085.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as an on-call PSC pursuant to D.98-07-018 between certain points in San Diego County.
2. The amended application requests authority to extend the on-call PSC to transport passengers and their baggage between certain additional points in San Diego County.
3. Public convenience and necessity requires the proposed service.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.

3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Cynthia Sanders (Applicant), an individual, authorizing her to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-11643 of Decision 98-07-018, is amended by replacing First Revised Page 3 with Second Revised Page 3, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.

- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-11643, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letters of August 19 and December 31, 2002, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated March 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

SECTION II. SERVICE AREAS.

Within the geographical limits of the following United States Postal Zip Codes in the County of San Diego.

| | | | | | | | |
|-------|--------|--------|--------|--------|--------|--------|--------|
| 91902 | *91905 | 91910 | 91911 | *91913 | *91915 | *91917 | *91963 |
| 91977 | 91978 | 92019 | 92021 | 92026 | 92027 | 92029 | 92040 |
| 92054 | *92055 | 92056 | *92060 | 92064 | *92065 | 92067 | 92069 |
| 92071 | 92075 | *92082 | 92093 | 92101 | 92104 | 92105 | 92107 |
| 92108 | *92113 | 92114 | 92115 | 92119 | 92120 | 92124 | 92127 |
| 92128 | 92129 | 92130 | 92133 | 92135 | 92136 | 92139 | 92145 |
| 92154 | *92155 | 92167 | 92173 | *92562 | 92762. | | |

*Added to Service Area.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point or place in San Diego County as described in Section II, then over the most convenient streets, expressways, and highways to any point or place described in Section II.